



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,462	09/30/2003	Andrew Jarabek	PAT 2513-2 US	5556

26123	7590	02/07/2008
BORDEN LADNER GERVAIS LLP		
Anne Kinsman		
WORLD EXCHANGE PLAZA		
100 QUEEN STREET SUITE 1100		
OTTAWA, ON K1P 1J9		
CANADA		

EXAMINER	
HAN, CLEMENCE S	

ART UNIT	PAPER NUMBER
2616	

NOTIFICATION DATE	DELIVERY MODE
02/07/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ipinfo@blgcanada.com  
aarmstrongbaker@blgcanada.com  
akinsman@blgcanada.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/675,462	JARABEK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Clemence Han	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 November 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Objections*

1. Claim 5 is objected to because of the following informalities: An acronym, AU in line 2, is used without its proper definition. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 1 recites the limitation "the output signal" in line 4. There is insufficient antecedent basis for this limitation in the claim. It is unclear because the claim recites "whether to assemble an output ... or handle the output ..." wherein the assembling and the handling are mutually exclusive process depending on the control bit. Therefore, "an output signal" in line 2 can not be an antecedent basis for "the output signal" in line 4.
5. Regarding claim 1, the phrase "a state of the control bit" in line 5 renders the claim indefinite because it is unclear whether it is the same state of a control bit in line 2 or not.
6. Claim 15 recites the limitation "the first control bit" in line 2. There is insufficient antecedent basis for this limitation in the claim.

7. Claim 16 recites the limitation "the output signal" in line 5. There is insufficient antecedent basis for this limitation in the claim. It is unclear because the claim recites "whether to assemble an output ... or handle the output ..." wherein the assembling and the handling are mutually exclusive process depending on the control bit. Therefore, "an output signal" in line 4 can not be an antecedent basis for "the output signal" in line 5.

8. Claim 23 recites the limitation "the first control bit" in line 3. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 24 recites the limitation "the output signal" in line 3. There is insufficient antecedent basis for this limitation in the claim. It is unclear because the claim recites "whether to assemble an output ... or handle the output ..." wherein the assembling and the handling are mutually exclusive process depending on the control bit. Therefore, "an output signal" in line 2 can not be an antecedent basis for "the output signal" in line 3.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

11. Claim 1, 2, 16, 17 and 24 are rejected under 35 U.S.C. 102(a) as being anticipated by Tsukamoto et al. (US 6,498,794).

Regarding claim 1, 16 and 24, Tsukamoto teaches a method comprising: checking a state of a control bit that specifies whether to assemble an output signal from multiple virtual tributary (VT) or tributary unit (TU) connections or handle the output signal as an synchronous transport signal (STS) or administrative unit (AU) connection; and switching a predetermined number of entries together based on the state of the control bit (Column 6 Line 26-36, Column 7 Line 9-16, see Figure 4).

Regarding claim 2, 17, Tsukamoto teaches the control bit is set by a programmer (Column 7 Line 33-35).

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 3-6, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukamoto et al..

Regarding claim 3-6, 25 and 26, Tsukamoto teaches a method comprising: checking a state of a control bit that specifies whether to assemble an output signal from multiple virtual tributary (VT) or tributary unit (TU) connections or handle the output signal as an synchronous transport signal (STS) or administrative unit (AU) connection; and switching a predetermined number of entries together based on the state of the

control bit (Column 6 Line 26-36, Column 7 Line 9-16, see Figure 4). Tsukamoto, however, does not teach exact details on how to assemble/handle the output based on whether the control bit is set or not set. It would have been obvious to one skilled in the art to modify Tsukamoto to assemble/handle the output based on whether the control bit is set or not set as claimed in order to accommodate different design choice.

***Allowable Subject Matter***

14. Claim 7-15, 18-23 and 27 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

15. Applicant's arguments filed 11/09/2007 have been fully considered but they are not persuasive. In page 7-8, the applicant argues that Tsukamoto does not teach checking the state of control bit and switching based on the state of the control bit. Tsukamoto teaches routing signals to STS switch module, VT switch module or ATM switch module based on whether they are STS signals, mapped VT signals or mapped ATM cells (Column 6 line 19 – Column 7 line 35, Figure 4). Tsukamoto teaches the centralized control module 40 checking the routing information and routing based on the routing information (Column 7 line 5-35). Therefore, the examiner contends that Tsukamoto teaches the limitations as recited in the claims.

***Conclusion***

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clemence Han whose telephone number is (571) 272-3158. The examiner can normally be reached on Monday-Friday 9 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



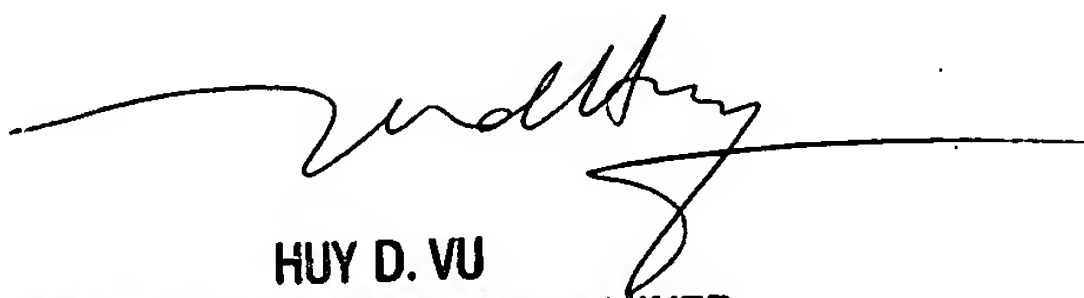
Application/Control Number:  
10/675,462  
Art Unit: 2616

Page 7

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

C.H.

Clemence Han  
Examiner  
Art Unit 2616



HUY D. VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600